

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Cr. No. 05-40035-FDS
)	
RICHARD BOTCHWAY,)	
)	
Defendant.)	

GOVERNMENT'S MOTION TO WITHDRAW OPPOSITION TO RELEASE TO ICE

The United States of America, by Assistant U.S. Attorney David Hennessy, hereby moves to withdraw its opposition to Defendant Richard Botchway's motion to revoke the order detaining Defendant so that Defendant may be released to the custody of Immigration and Customs Enforcement ("ICE"), and be deported.

As grounds therefore, the government states:

1. Earlier today, the government electronically filed a memorandum in opposition to Defendant's motion to revoke the order detaining Defendant. The government moved to defer the motion for a period not to exceed two weeks from today.

2. Shortly thereafter, the Office of the Solicitor General advised the undersigned that a recommendation against appeal had been approved.

Accordingly, the government withdraw's its opposition to Defendant's motion to revoke the detention order in this case so that Defendant may be released to the custody of ICE and

expeditiously deported.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ David Hennessy
David Hennessy
Assistant U.S. Attorney

DATED: July 28, 2006 at 3:31 p.m.

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person listed below a copy of the foregoing document by depositing in the United States mail a copy of same in an envelope bearing sufficient postage for delivery:

Keith Halpern
4 Longfellow Place
37th Floor
Boston, Massachusetts 02114-2838

This 28th day of July, 2006.

/s/David Hennessy
David Hennessy
Assistant U.S. Attorney